

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil No. CV 08-0006 (DSD/JJG)

KEAFON C. LAINJO,

Plaintiff,

REPORT AND RECOMMENDATION

v.

TRANSITION NETWORKS INC.,

Defendant.

Plaintiff commenced this action on January 2, 2008, by filing a self-styled civil complaint, and an application seeking leave to proceed in forma pauperis, (IFP®). (Docket Nos. 1 and 2.) The Court examined Plaintiff's IFP application, and determined that he had not adequately demonstrated that he is indigent and unable to pay the filing fee prescribed by 28 U.S.C. ' 1914(a). The IFP application was therefore denied. (See Order dated January 9, 2008; [Docket No. 3].)

The order denying Plaintiff's IFP application informed him that he could still maintain this action, as a NON-IFP litigant, if he paid the statutory filing fee within twenty (20) days. Plaintiff was advised that if he did not pay the full filing fee within the time allowed, the Court would recommend that this action be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

The deadline for paying the filing fee established by the Court's prior order has now

passed. To date, however, Plaintiff has not paid his filing fee, nor has he contacted the Court, or communicated with the Court, in any way. Therefore, it is now recommended, in accordance with the Court's prior order, that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

This action be **DISMISSED WITHOUT PREJUDICE**.

Date: February 8, 2008

s/ Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **February 21, 2008**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit. Unless the parties are prepared to stipulate that the District Court is not required by 28 U.S.C. ' 636 to review a transcript of the hearing in order to resolve all objections made to this Report and Recommendation, the party making the objections shall timely order and cause to be filed within ten days a complete transcript of the hearing.